

1872-024 Chancery Causes: George B. Millbourne, asgn. vs. Elias Thompson
Lee Co.

Hagan & Pridemore J. Hagan, Pridemore, Haynes, Baumgardner, Wynn,
Poteet

CA-Debt

To the Honorable Henry J. Morgan Judge of
the County Court of Lee County Va.
Your orator George B. Milbourne humbly
complaining sheweth unto your Honor, that
on the 23^d day of November 1869, he as the
assignee of Patrick Hagan and A. L. Pickmore
attys at law and practicing under the firm
and style name of "Hagan & Pickmore" recovered
a judgement against one Elias Thompson
before James R. Fitts then a Justice of said
County for the sum of fifteen dollars with
legal interest thereon from the 21st day of
May 1867, till paid and \$1.10. costs on said
Judgement. - He also as assignee afore-
said, obtained on the day aforesaid, before
the said Justice a judgement against the
said Elias Thompson for the sum of
\$5 with legal interest thereon from the
27th day of November 1868, and \$1.10. costs
thereon - on each of these said Judgements
there issued, on the said 23^d day of November
1869, fieri facias, and was placed in the
hands of James Miles then a constable of
said County, and was returned by him the
said Miles constable as aforesaid no
property found - the said Judgements and
fi fas, will be found with this bill
the first marked A. and the second B
and the same is prayed to be considered
as part of this bill - Notice of the
said Judgements, have been paid to your
orator or the said Hagan & Pickmore
but the same is now wholly due you
to your orator - as assignee as aforesaid -

your orator now alleges that the said
Thompson as shown by said fi fas has
no personal property out of which the
said judgments can be made - but he
is the owner of a considerable real estate
the rents and profits of which will most
probably pay the said debt interest and
costs in one year - certainly in less than
five - The object of this bill therefore is
to subject the said lands to rent, and have
the proceeds thereof applied to the discharge
of the aforesaid judgments interest &
costs - The prayer of your orator
therefore is that the said Thompson
be made a party to this bill and
answer its allegations on oath and
that on a hearing, a decree be rendered
renting the said lands for the shortest
period, that will pay said judgments
interest and costs and for all costs
other further and general relief as
your orator may in equity be en-
titled to, May summond arise &c

Lafayette Dickinson

1741P

George B. Melbourne
vs. Bill Chy
Elias Thompson

Exhibit A.B. filed

1871 Feb. Bill filed Spa End of D. M.
" March D. M. Conf. & cause set for hearing by
Plaintiff.
" March T. Deane & Contd.
" April & May Continued.
" June. Cont'd.
" July. Consolidated with
Cause of J. P. Graham & M. Seal
advers. serv. cause deft, Deane
& continued. Augt & Sept. cont'd.
" Oct. Nov. & Dec. Contd.
1872 January Feb. contd.
" March Dismissed by P. ff.

C. 7.10
A. 15.00
S. 5.50
T. 1.00
Comp. 1.60
\$25.10

George B. Melbourn	Plff	} In Chy
^{vs.} Elias Thompson	Defth.	
Graham & Cecil Adams	Plffs	} In Chy
^{vs.} Elias Thompson	Defth.	

On motion it is ordered that these causes be brought on and heard together, and thereupon the same come on to be heard, as to the first cause upon the papers formerly read therein, and as to the second cause upon the bill and exhibits therewith filed and was argued by counsel; On consideration of all which to ascertain whether or not the rents and profits of the lands in the bills mentioned will in five years pay the several judgments therein referred to, the Judge ordered and decreed that David Miller be appointed a Special Commissioner who will summon before him competent witnesses to testify in the premises & will enquire and report upon the evidence adduced whether or not the rents and profits of the real estate of the defth Elias Thompson will if rented out, pay the several judgments due to be enforced in these suits in five years, and report his proceedings to the court together with the evidence taken by him upon the enquiry Ordered and these causes are continued

Lico. B. Melbourne +
Graham + Cecil Adams

vs { Deere

Elias Thompson

Entered O.B. p 314
J.B. West. N. Clark

Enter this Deere
H.J. Morgan
July 18th 1871

George B. Milbourne Plffs
Against
Elias Thompson Deftd In Chy

This cause came on this day to be heard upon the bill of the pl. ff exhibits filed and was argued by counsel and it appearing to the court that process has been duly ~~executed~~ ^{executed} on the defendant, and he still failing to appear the bill is taken for confessed - and it appears to the court that the defendant is indebted to the pl. ff in the sum of \$25. and \$2.20 costs with legal interest on \$15. part thereof from the 25th day of May 1867. till paid and on \$10. the residue thereof from the 27 day of November 1868 till paid - it is therefore adjudged ordered and decreed that the pl. ff recover the defendant the said sum of \$25. and \$2.20 costs with legal interest on \$15. part thereof from the 25th day of May 1867 till paid and on \$10 the residue thereof from the 27 day of Nov. 1868. till paid - and unless he pay the same within 20 days, then that A L Pickens who is hereby appointed a special commissioner therefor do after 20 days notice of the time terms and place of renting proceed to rent the lands in the bill mentioned to the lowest bidder time, who will pay the debt interest and costs and costs of this suit, he will take bond with good personal security payable to himself annually as come ^{with interest from date} for all the money due by said renting except so much as may be necessary to pay the costs, of this suit and sale

which will be required to be paid down - before proceeding to rent he will post two notices one on the front door of the Court House of this county and one in the neighborhood where the land lies, setting out the terms time & place of sale, which will be made by public outcry at the front door of the Court house of this county on some Court day after the notice aforesaid, and report his action to this Court and the cause is continued.

G B Williams
as
Deeence

Elias Thompson
March 20. 1877

Entered O. R. 13. 1/2 215
J. B. Beach Clerk

Enter this debt
March 27. 1877
H. J. Morgan

The Depositions of Julian Haynes Andrew Bumgarner
Job Wynn David Poteet and James A. Bumgarner
Taken before David Miller a Special Commissioner in
Chancery in the two Causes of John P. Graham and Mitchell
Cecil admors. & C. vs. Elias Thompson and George B. Milbourn assignes
& C. against the same defendant now pending in the County
Court of Lee County taken pursuant to a decree entered in
the above styled Causes at the July term of said Court
in the year 1871 to ascertain and prove whether or not
the rents and profits of Defendant Elias Thompson's ^{land} will in
five years pay the judgments sought to be enforced in
the said Causes against him taken at the office of
David Miller at Jonesville Va. on the 9th day of Aug. 1871.

Julian Haynes a witness of lawful age after being
duly sworn according to law deposes and says that
He lives in the neighborhood of Elias Thompson
the Defendant and is tolerably well acquainted with
his land and to the best of his judgment there is
something in the neighborhood of 40 acres of cleared
land, and witness thinks the land ought to rent
for not less than \$25.00 cash per year and prob-
ably \$30.00 per year including the land and all
the appurtenances And. further this deponent saith
not.
Julian Haynes

Andrew Baumgarner a witness of lawful age after being duly sworn according to law deposes and Says:

That he is tolerably ^{well} acquainted with the land belonging to the defendant Elias Thompson and to the best of his judgment there is some 40 or 50 acres of cleared land and Witness is of the opinion that \$30.00 per year in cash would be a high rent for the tract of land and all the appurtenances. Witness further states that there ~~are~~ some fruit trees on the land and of a good fruit year the ~~that~~ ^{land} might bring a little more but the fruit is not very plentiful on the land this year. And further this deponent says not. Andrew Baumgardner

Job Wynn another witness of lawful age after being duly sworn according to law deposes and Says:

That he is tolerably well acquainted with the land of Defendant Elias Thompson and his judgment is that there is between 40 and 50 acres of cleared land on the tract and his judgment would be that \$30.00 per year cash would be a fair cash rent per year for the land and all the appurtenances and of a good fruit year the land might rent for a little more per year. Job Wynn

David Poteet another witness of lawful age after being duly sworn according to law deposes and Says that he is tolerably well acquainted with the deft. Elias Thompson's land and from his knowledge of the same his judgment is that about \$30.00 cash would be a fair annual rent for said land. And further this deponent saith not. D Poteet

James A. Baumgarner another witness of lawful age after being duly sworn according to law deposes and Says

That he is acquainted with the land of Defendant Elias Thompson and from his knowledge of the same his judgment is that \$30.00 per year cash would be about a fair rent for the same but it might rent for more or it might rent for less. And further this deponent saith not

James A Baumgardner

Virginia Lee County to wit:

I the undersigned a Special Commissioner in Chancery in the Cause pending in Chancery in the County Court of Lee County wherein John P. Graham & Mitchell Cecil adverse of Wm. J. Graham and Complainants and Elias Thompson is Defendant and George B. Milkourn is also plaintiff & Elias Thompson is Deft do hereby Certify that the foregoing depositions of Dulaney Haynes Andrew Baumgarner Job Wynn David Poteet and James A Baumgardner were duly taken sworn to and Sub-

Subscribed to before me at my office in Jonesville Va.
on the 9th day of August 1871 the time place and
for the purposes mentioned in the Caption of these
depositions. Given under my hand this 9th day of
August 1871.

David Miller
Special Commr.

George W. Williams
Attorney at Law

and John W. Profford
Smithells Cecil Adams &c.

vs.
Depositions

Elias Thompson

Filed August 11th 1871.

James W. Orin, Clerk.

Statement of judgments against Elias Thompson
Sought to be enforced against him in the County Court
of Lee County in Chancery by George B. Milbourn as-
signed V.C. of Hagan & Pridemore and John T. Graham
and Mitchell Cecil Adms. of W. T. Graham deceased,
against Elias Thompson defendant.

1871

		\$	cts	\$	cts	\$	cts
August 1st	To John T. Graham and Mitchell Cecil Administrators of the estate of W. T. Graham deceased for a judgment in the County Court of Lee County against Elias Thompson rendered on the 23rd day of March 1867 for this sum of principal					26.	37
	Interest on Same from January 1st 1868 to Aug. 1st 1871 8 years & 7 months			13	58		
	Costs of obtaining Said judgment so far as is shown by Copy of Same	6	51				
	To George B. Milbourn assignee of Hagan and Pridemore for a judgment rendered before a justice of Lee County on the 23rd day of November 1869 this sum of principal					10	00
	Interest on Same from November 27th 1868 till the 1st day of August 1871 this sum			1	58		
	Costs before the justice	1	10				
	To George B. Milbourn assignee V.C. for a judgment rendered before a justice on the 24th day of Nov. 1869 for \$15.00 this sum of principal					15	00
	Int. on Same from May 21st 1867 to August 1st 1871			3	79		
	Costs before the justice	1	10				
	Total sum of principal					51	37
	Total sum of interest to Aug. 1st 1871			18	95		
	Total Costs of obtaining judgments	8	71				

Statement of judgments against defendant Elias Thompson claimed by others than the plaintiffs but which are not yet sought to be enforced against depts. land

1871

		Costs	int	prin
Aug 1st	To Andrew Bumgarner for a judgment obtained before a justice of the peace of Lee County on the 23rd day of February 1861 against Elias Thompson for \$46.63 with interest from the 12th day of Jan 1861 till paid & 50 cents cost this sum of principal Interest on same from Jan 12th 1861 to August 1st 1871 this sum	\$	cts	\$
	Costs obtained before the justice	50		46 63
			27 98	
	To Joseph Myers for a judgment obtained before a justice of Lee County against Lettis Nancy Stapleton and defendant Elias Thompson for \$4.50 with interest from Oct 1st 1865 and 70 cts Costs judgment rendered on Aug. 2-1867 this sum of principal Int on same to Aug. 1st 1871			4 50
	Costs before justice	1 10	1 30	

Report.

To the Honorable Henry J. Morgan Judge of the County Court of Lee County Virginia

Pursuant to a decree of the County Court of Lee County made and entered at the July term thereof in the year 1871 in the Cause in Chancery of George B. Milbourn assignee &c. against Elias Thompson and John P. Graham and Mitchell Cecil Adms &c. against the Same the undersigned as special Commissioner appointed by said decree proceeded on the 9th day of August 1871 at my office in Jonestown Va. to ascertain whether or not the rents and profits of Defendant Elias Thompson's land would in five years pay the judgments sought to be enforced in these two Chancery suits against him. And to ascertain which I first stated an account of the judgments sought to be enforced and calculated the interest up to August 1st 1871 the total principal interest and Costs exclusive of the Costs of these suits being the sum of \$822.01 up to August 1st 1871.

I then made a statement of two other judgments against defendant claimed by others than the Complainants which and of anterior date to the judgments in the bill mentioned and may constitute prior liens against Defendants land The total amount of these judgments being \$82.01. These judgments came casually to my notice and doubtless there may be other judgments that are liens on said land and they may be hereafter enforced against the land. I then called in Dulaney Haynes Andrew Bumgardner Job Myers David Poter and James Bumgardner competent witnesses and took their depositions to prove the annual rental value of the Defendants land which depositions are herewith filed as part of this report.

From the evidence before me it would seem that the annual rental value of said land is, ^{about} \$30.00 per year so far as can be ascertained without an actual ^{renting}. The aggregate amount of the judgments sought to be enforced being only \$79.03 could with the costs of these two suits be paid by the rents and profits of the land in a much less time than five years. But if the other judgments not now sought to be enforced against said land should shortly be attempted to be collected it will require a longer time than five years to collect the same by renting the Defendants land. All of which is respectfully Submitted.

David Miller

Comrs. Fee 4 hours at
75 cts per hour \$3.00.

Special Comr.
Aug 9th 1871.

George B. Williams atty at law
Atty at law for Abraham & Milledale
Levi Adams, &c.
Robert of Comr.
David Miller
Elias Thompson
Comrs fee \$3.00
Filed August 11th 1871.
James W. Enck

Va. *Lec* COUNTY, TO WIT:—To *James Miles*

Constable of said County:

I hereby Command you to Summon *Elias Thompson*
if to be found in your district, to appear at *James Miles residence* in the said County
on the *23* day of *November*, 18*69*, before me or such other Justice of the said County as
may then be there to try this warrant to answer the complaint of *George Milburn assignee*
for Hagan & Spidola upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit,
for the sum of \$*15* due by *note* and then and there make return of this warrant
Given under my hand this *20* day of *November* 18*69*.

Andrew Milbourn J. P.

George H Milburn } *24* day of *November* 18*69*,
Elias vs *Thompson* } [In debt.] at *at my residence*
JUDGMENT that the plaintiff recover of the defendant \$ *15-00* with interest from the
21 day of *May* 18*67*, till paid, and \$ *1.10 cts* for — costs. —

James H Fitts J. P.

Va. *Lec* County to WIT:—To *James Miles* Constable of said County

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels
of *Elias Thompson* in your County, you cause to be made the sum of \$ *15-00*
with interest thereon from the *21* day of *May*, 18*67*, till paid, which

George H Milburn has recovered before *James H Fitts*
in a warrant in debt, and also the sum of \$ *1.10 cts* which were adjudged to the said —

George H Milburn for costs in prosecuting of said warrant. —

Given under my hand this *23* day of *November* 18*69*.
Justices fee
80 cts

James H Fitts J. P.

Elias Thompson

²⁵
George Milbourn
as trustee Hagon & Co. Deeds
executed November

ber the 22 1869

James Miley & Co

Jugment and Exec
ution Given D 3 of
November 1869

naproperty found
January the 3 1870

James Miley & Co

A

Va.

COUNTY, to wit:—To

James Mites

Constable of said County:

I hereby Command you to Summon *Elias Thompson*
if to be found in your district, to appear at *James Pitts residence* in the said County
on the *23* day of *November* 18*69*, before me or such other Justice of the said County as
may then be there to try this warrant to answer the complaint of *George Whitehouse*
as in a for Hagan & Priamore upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit,
for the sum of \$*10* due by *note* and then and there make return of this warrant

Given under my hand this *20* day of *November* 18*69*.

Andrew Milbourn J. P.

Hagin and Priamore } *23* day of *November* 18*69*,
Elias Thompson } [In debt.] at *James R Pitts residence*
JUDGMENT that the plaintiff recover of the defendant \$*10.00*, with interest from the
27 day of *November* 18*68*, till paid, and \$*1.10* for — costs. —

James R Pitts J. P.

Va.

Lee

County to wit:—To

James Mites

Constable of said County

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels
of *Elias Thompson* in your County, you cause to be made the sum of \$*10*
with interest thereon from the *27* day of *November*, 18*68*, till paid, which
Hagin & Priamore has recovered before *James R Pitts*
in a warrant in debt, and also the sum of \$*10.00* which were adjudged to the said *Hagin*
and Priamore for costs in prosecuting of said warrant. —

Given under my hand this *23* day of *November* 18*69*.

Justices fee 80 cts

James R Pitts J. P.

Elias Thompson
George Milbourn
asinee
Hagan & pride More
Excited horse
her the 22 1869

James Miley C LC

Jugment and
Execution given 23
of Nov 1869 by J H Fitts
JB

no property found
January the 4 1870

James Miley C LC

B



The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON

Elias Thompson

to appear before the Judge of our County Court for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the *first* Monday in *February* next, to answer a bill in Chancery, exhibited in our said Court, against *him* by *George B.*

Milbourne assignee of "Hagan & Bridemore"

And have then there this writ. Witness, *James H. Orr* ~~JOHN B. WEST~~, Clerk of our said Court, at the Court-House, this *10th* day of *January* 187*9*, in the *75th* year of the Commonwealth.

James H. Orr Clerk.

A. & P.

George B. Millbourne
Assignee &c

vs. L. B. in Chancery

Elias Thompson.

February Rules 1871.

Executed by delivering to
Elias Thompson an attested
office copy of this writ.

E. Anderson, D. S.

For W. L. Hamilton, S. L. C.

(Tax paid)